permission to lay on the Table of the House a Statement regarding the detention of 14 Indian girls at the Yemen Airport. This issue was raised by Prof. Kurien in the House on 22.07.1996.

MR. SPEAKER : Yes.

SHRI M. ARUNACHALAM : Sir, I lay the Statement on the Table of the House.

Sir, the moment is came to the notice of my Ministry that 12 Nurses and 2 Laboratory Technicians, all females, were stranded in Sana'a as their actual sponsor/ employer in Yemen could not be located, my Ministry established immediate contact with the Indian Embassy, Sana'a on phone and through fax to ensure that these girls are provided boarding, lodging and other facilities. Our Embassy sent an intimation saying that the 14 girls who wee recruited by M/s. Shepra Tours and Travels, had reached Sana'a in two batches on 3rd and 4th July, 1996. It was intimated that since the Yemeni sponsors could not be traced in spite of the assistance sought through the Ministry of Foreign Affairs, Ministry of Health and Ministry of Defence of Yemen, the Embassy had accommodated them in the Embassy premises and was providing them food and other facilities. It was reported that all of them were in good health and none of them was suffering from any illness. It was further intimated that some together local employers had approached our Embassy in Sana'a for recruiting these girls in local hospitals/clinics. Our embassy sought clearance from my Ministry of these girls could be allowed to take up employment. My Ministry immediately accorded the clearance subject to the condition that the salary and other facilities offered by the local employers were reasonable and the agreement was acceptable to these girls.

Sir, I am happy to inform this House that according to the information received from our Embassy, six staff nurses and two laboratory technicians have already got employment in two private hospitals in Yemen. One nurse has returned to India on 31.07.1996 as she was not interested in working in Yemen. The remaining five nurses had also got some offered but the salary offered was not found reasonable by the Embassy. Efforts for finding employment for them are on and we hope to find suitable employment for them soon. In the meantime we have suspended the registration certificate of M/s. Shepra Tours and Travels who had recruited these girls for employment in Yemen.

[Translation]

SHRI G.L. KANAUJIA (Kheri) : Please read it out.

[English]

MR. SPEAKER : He has already laid it on the Table of the House.

18.52 hrs.

STATUTORY RESOLUTION RE: DISAPPROVAL OF THE EMPLOYEES' PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS (AMENDMENT) THIRD ORDINANCE, 1996

AND

EMPLOYEES' PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS (AMENDMENT) BILL - Contd.

[English]

JUSTICE GUMAN MAL LODHA (Pali) : Sir, it is a very happy coincidence that this Bill was sought to be piloted by your honour as early as in 1993 and it bears your signature. But it is surprising, if not shocking, why, from 1993 till 1996, in an age where we can go to the Moon, it took three years even to take a start. It is something which the Minister would have to explain. But it appears to me that there was lack of political will or there was opposition from the labour and the matters could not be sorted out or whatever it might be.

This legislation is an enabling piece of legislation. The real heart and soul of this legislation is the Pension Scheme. How Pension Scheme is framed, what are its provisions, in what manner the employees' are benefited or not benefited, these are the matters on which depends the fate of 1.60 crores employees' who are in the organised sector. Therefore, I would like the hon. Minister to mention, when the Ordinance were issued, as to why this Pension Fund Scheme was not debated in this House because there is a provision is this, under clause 5 (7), which says :

> "A Pension Scheme, framed under sub-section (1), shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the scheme or both Houses agree that the scheme should not be made, the scheme shall thereafter have effect only in such modified form or be no effect..."

So, Sir, the legislative sanction to the Scheme is to be taken from this House. Three Ordinances have been passed...*(Interruptions)*

SHRI P.R. DASMUNSI (Howrah) : Ordinances have been issued and not passed.

JUSTICE GUMAN MAL LODHA : I would like to be corrected. They have been issued by the hon. President. After issuance of three Ordinances by the hon. President, why the Scheme has been placed for 30 days on the Table of the House.

Why has the opportunity not been given to us to debate on it? We could have accepted it, modified it an amendment it or rejected it wholesale. This is a very serious matter because the hon. Minister has not said anything about it earlier. We would like him clarify it when he replies. It has not been done in both the Houses. It is a serious constitutional lapse, a lacuna which itself shows that the hon. Minister was either not having the conviction that the House would pass it or it went by default. However, it is for him to explain.

So far as this Act is concerned, it is an enabling Act for the purpose of granting pension in addition to Provident Fund but only by a division from the amount which is already there in the Provident Fund. It is not a new addition. No sort of benefit is to be given from additional funds by the employer or by anybody else, from the very funds, which are available to the employees in the Provident Fund, which they are liable to take on retirement, from that some part of it is to be taken out and given to the employees at the time of retirement. That is all.

Basically, one very important matter which requires serious consideration of the hon. Minister, on which the labour unions and the labours are agitated, is the question of option because there are lakhs of employees who feel that it is not beneficial to them. In the name of giving benefit to the labourers, in the name of making social welfare legislation, in the name of creating an environment where it would be advantageous to the employees after retirement, they are doing this. If a big number of employees feels that it would not be advantageous to them, it would be harmful, it would not be economical to them and it would be against their interest, then, why should you thrust this scheme on them?

For that purpose, one of the objections which I would take is that if this Bill is passed and if this scheme is introduced, it must be made optional, optional not only for the establishment, optional not only for a factory or industry or a unit but optional for each employee and each one of the employees should be allowed to exercise his option. That is a matter on which the hon. Minister should gave a serious thinking and serious thought because if it is not made optional, then, it amounts to compulsion. It would be thrust upon the unwilling employees who feel that it would be harmful to them.

There are a large number of people in this country who feel like this. It is true that a large number of people are in favour of getting pension. It is difficult to say which number is more and which number is less but nonetheless the pension scheme as such is basically and fundamentally not against the interests of the labourers. Therefore, I welcome the Pension Scheme Act for the employees but with this modification which I suggested. It must be made optional.

Another thing which I want to suggest is this. The other day we were across the fact the 18 per cent interest was allowed statutorily in the case of Conciliation and Arbitration Act which we passed yesterday. Here, we find that they provide 18 per cent interest. This has been provided by the very Act for Parliament, by this very Parliament through a legislation. But in this case, the poor employees is not provided with even twelve per cent interest which is given even in the public Provident Fund Scheme. Twelve per cent interest is given statutorily by so many banks. But here the poor employees are denied that amount. Therefore, this matter will have to be considered by the hon. Minister. They must make a provision that in the pension the employees must get interest. Out of the funds which are earmarked, which is 8.33 per cent or something like that, from the pool, they must ensure that the amount will carry a minimum interest of 12 per cent.

19.00 hrs.

Twelve per cent rate of interest must be made the minimum and not maximum. The maximum rate depends on the banks rate etc. If that is agreed to, then there will be some benefit to the employees. If that is not done, it would mean that the employees would be deprived of the interest from the amount which is lying as credit in their provident fund account. Thus the deprivation of the interest to the employees from out of the provident fund pool and then giving pension, would not be beneficial to the employees. Therefore, I would submit that this should also be considered by the hon. Minister before giving a reply.

Then, before commending for the passage of the legislation, I would like to make a few suggestions. These modifications are important for the purpose of giving benefit to the employees in general, leaving aside, of course, very strong organised unions. I have been told that some political parties, like the CPI (M) and others, are supporting it but their unions are opposing it. I do not know they are going to share this piece of legislation, I do not know how they are going to share this piece of legislation, with the Government which is their own child.

Now I give a few suggestions. The monthly pension payment shall not be less than 1.25 per cent on the total accumulation standing to the credit of the subscriber at the item of his exit. Return on capital shall be hundred times of additional quantum of pension or hundred per cent of accumulation, whichever is higher. The right of option should be given as it was give in the case of Family Pension Scheme of 1971. This is also very strange. Their was a right of option available in the pension scheme, which you are going to replace by this

scheme. Now we are going to take it away on a very flimsy ground saying that if you keep this, then it would be a non-starter of non-enforceable. Why is it so? If it is beneficial, why should the labourers not opt for it? Why would the worker not like to take the benefit of it? When it was optional under the Family Pension Scheme, this should be made optional in this scheme also. Pension shall be linked to the consumer price index in line with the Government employees, bank employees and naturalised, to some extent, with the rise in prices or escalation in the cost of living. Then I also suggest that payment of pension shall be based on the number of years of pensionable service and/or eligible service and not on the age factor. The Family Pension service which is called a reckonable service, shall be treated as pensionable service. In must be included in this. There should be payment of full pension for 25 years of pensionable service by dividing the factors into 70:50 ratio. Then, widow pension, children pension, orphan pension, physically or mentally handicapped pension shall not be less than the subscribers' pension, the age limited shall be deleted. Now the weightage shall be given for five years and not for two years. These are some of the suggestions which is make. There are many things. But I would not like to bother you because my friend would do it in a detailed manner. I would only submit that with these modifications, the Bill may be passed.

But it must be made clear that the pension scheme should be formulated by having interaction and finding out its benefit, with the representatives of the all-india recognised trade union. It must be enforced.

Before concluding, I want to put a word of caution. We have got an experience in this regard. In the Report of the Joint Parliamentary Committee pertaining to Shri Harshad Mehta's share scandal, we have fund that crores and crores of rupees were diverted by banks as also be the public companies like the Unit Trust of India, the Life Insurance Corporation of India and various such organisation which are known as the public sector undertakings. These public sector undertakings have diverted or actually squandered crores or rupees of those poor people who had put their whole life's savings. Now what is the guarantee that this amount would remain safe? After deducting from the provident fund, keeping it for pension and if it is swindled then, it would be really adding insult to injury.

Therefore, a trust must be created in such a manner and in such a way that at least. The money is kept safe, with an interest of 12 per cent and then it is given.

With these words, I support this legislation.

SHRI SRIBALLAV PANIGRAHI (Deograh) : Mr. Speaker : Sir, I rise to support the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Bill, 1996.

This has already been given effect to from 16th of November 1995 and this is a landmark Bill in the history of the trade union movement of our country.

This scheme has not been prepared overnight. It has not been formulated overnight.

19.06 hrs.

(Shri P.M. Sayeed *in the Chair*)

And, this is the outcome of a prolonged movement of the working force, the working class of our country, industrial workers, and organized workers. They had gone for agitations on different occasions and so, negotiations were conducted, discussions were held with trade union centres. Somewhat, a consensus was reached, only with the exception of CITU. But there was a consensus arrived at. Of course, while arriving at the consensus different trade union centres had expressed their reservations. But in totality, it was not acceptable to the trade unions. This is very clear.

INTUC is there. AITUC is there. We know AITUC is politically linked with the CPI or affiliated to the CPI. Similarly, BMS is the trade union affiliated to BJP ...*(Interruptions)*...Like this, by and large, some sort of understanding was reached, maybe with some exceptions. Also those who have agreed, they had their reservations.

The Bill has come after it was adopted in Rajya Sabha. Earlier this Bill was circulated in the name of Shri P.A. Sangma, the then Labour Minister who is now the hon. Speaker. I also appreciate the hard labour he had put in in bringing these arrangements to this stage, in the formulation of the new scheme, which was long overdue. Thereafter, his successor Shri G. Venkatswamy also applied his mind and prepared all these things. This is already been given effect to.

About 11 lakh workers have already joined this scheme of funds. Earlier hitherto, we had this family Pension Scheme...*(Interruptions)*... Thereafter it is now Employees General Pension Scheme. Thereby the scope is also broadened and widened.

Other members of the family also are now likely to get benefits from this scheme. I have been given to understand that more than ten lakh people have joined this scheme. Some people say they are less than one lakh. About the exact figure there may be some dispute; I cannot speak about it with authenticity. But a large number of workers have already joined this scheme.

The trade unions which opposed this scheme went for an agitation. They gave a call for strike. But they were outnumbered by those who want its immediate implementation...*(Interruptions)* You may say whatever you like, but I am speaking the fact. In certain areas where they are having their hold they have got limited success. But by and large that was a failure. On the other hand a large number of trade unions and workers demand its immediate implementation. They are looking

forward to the proceedings of this House with anxiety. They want that this should be passed during this very session. Otherwise again for the fourth time the ordinance will have to be promulgated.

In this background I would like to say that we are also absolutely not happy. We are not quite happy with all the provisions that this Bill contains. There is scope for improvement. But whenever any new scheme is introduced, an element of uncertainty, an element of apprehension remains. So, I would request the Minister in cnarge to look into this. Of course, there is a good provision in response to the popular demand. They have provided for the mandatory annual review of the working of this system. So, from the experience the Government should come forward with necessary amendments without hesitation.

I understand that there are two objections from the other side that a certain category of employees - this one argument - will, according to the present provisions, not be financially gainer. Secondly, they say that the option provisions should be there. If any individual member wants to join the scheme, he should be at liberty to do so. If he wants to opt out, he should have the liberty to do so. These are the two grounds on which the hon. Members belonging to the CPI(M) and other friends are opposing this Bill. But, in the Provident Fund scheme also there is no option provided. Our Provident Fund scheme is the largest such scheme in the whole world with a very very wide coverage both in terms of number and also in terms of benefits provided. That scheme also does not have any provision for option which they are now demanding. I also discussed with several trade unions about this option. I want a clarification from the hon. Minister. According to our understanding for a factory, an organisation or an establishment as a whole his benefit of opting out- either to join or to remain outside - is there. But this is not applicable to individual members. If every individual member is given this opportunity according to different sources I understand that this scheme may not be viable and sustainable at all. This is to be seen.

Again, I would like to place here one point from our experience.

When the Family Pension Scheme was first introduced in 1971, many individual members opted out of it. But they did join that scheme later on after seeing the benefits that accrued to fellow workmen. They have all now joined the Family Pension Scheme. Without fear of contradiction, I can tell the House that such thing is also happening.

Now, I come to the provision for option and the objection, fear or apprehension expressed by some hon. Members that if this Scheme is implemented in its present from, certain categories of workers would not be financially benefited. There is some force behind this. There is also some corrective action that can be taken. Right now, there will be no problem so for it relate of senior wrokmen. For them, it is not a problem. For those who are joining the industry now and also the Scheme now, there could be a problem bacause it would take thirty long years for them to retire. But meanwhile, many changes woult take place. By changes, I mean progressive changes. In a system like ours, changes cannot be retrograde. There is some corrective action needed which can be a staisfactory answer to this problem. The ceiling provided is up to a higher limit of Rs.5,000, whatever might be the amount an employee get as salary. This acutually creates the problem. If this is removed, I think that there would be no objective so far as the financial benefit is concerned. My submission is that this higher ceiling should go.

The Government has always to be liberal. The Government has to adopt magnanimity in its approach. The Government should be magnanimous. The Government is not here to do business. The money that would be deposited under this Scheme would be huge. What is the rate of interest that the workers would be getting? It is eight per cent, whereas in any other scheme - even in the Provident Fund Scheme - it is about twelve per cent or thirteen per cent. Is A higher rate of interest should be available to the workers.

Further, there is some difference sought to be made between the Government employees and these types of workers. Whatever might be the difference, the Government should adopt a liberal attitude. Some more benefits should also be given to these hard working people. The Government should see to it that more benefits are given to the workers and they should have some liberal approach while making calculations.

This Scheme is a very good beginning. There are bound to the loopholes and there are loopholes which need to be plugged. Let us start this process and after some time let its working be reviewed, and the loopholes plugged. Some corrective measures should be taken to plug all loopholes.

This Bill has been overdue and today I strongly support this Bill with the request to the Government to come out with a clarification about the provision of option, etc. In due course, the corrective measures should be taken.

As I have already said, I would once again request that the Government should ensure that some more benefits are given to the workers by adopting a liberal approach.

SHRI AJOY MUKHOPADHYAY (Krishnagar) : Mr. Chairman, Sir, this Bill seeks to make provisions enabling the Government of India to introduce a Pension Scheme in place of the existing contributory system of Provident Fund.

But it has become a *fait accompli* now. The earlier Government did not wait for the approval of Parliament. They have already introduced and implemented the Pension Scheme from 16.11.1995 by promulgation of an Ordinance. So, it is quite evident that it is the legacy

of the past which has fallen upon the United Front Government. This is the foster child of the United Front Government. I would have been happy if they could give some new thought over the scheme.

Before I proceed any further, I would like to express my strong reservations about many different provisions of this Bill. Firstly, this Bill is not an improvement over the existing benefit to the workers. Rather it will be detrimental to the interests of the entire working class in many respects. The fund required for the scheme has been sought to be created by diverting the employers' contribution in the workers' provident fund to the tune of 8.33 per cent. It means the pension scheme will be operative by way of impounding nearly half of the provident fund generation of the workers. There is no need for any actuarial exercise. Anybody with some amount of knowledge in arithmetic will find that the entire total accumulation of principal amount in the shape of employers' contribution and the interest thereon at the rate of twelve per cent will not be returned to the workers.

The loss is enormous. Sir, what to speak of any gain, the loss is enormous. a lot of workers' money which is taken out of the corpus of contributory provident fund, has been spent for propaganda through media that this is an outstanding steps and totally beneficial to the workers of this country. But the workers know what is outstanding and what is not.

It has also been propagated that the working class of this country had been agitating since long for this. But what is the reality? Yes, the working class was demanding and struggling for pension as a third benefit. But in this scheme, not to speak of any additional benefit being extended, the existing benefit is being curtailed on the contrary. The money which was earned by the working class through prologned struggle is being slashed down now through this scheme. The provident fund is the property of the workers and the Government is snatching nearly half of his property unilaterally and by force rather. There is no option.

There is no option. This is unjust, improper and unethical, if not illegal. I do not know whether it is legal or not. But It is true that the workers, who will die or are declared physically disabled, will definitely be benefited in the early period of their service. But this is not a dying benefit scheme. It is essentially a retirement benefit scheme. The family pension scheme was there. Why did it collapse? What was the usual the inflow and outflow of the family pension scheme? How have Rs. 9,000 crore accumulated in that Fund? The ratio of inflow and outflow was 10:1. But the outflow was ten times lower than the inflow. Does it mean that the families of the workers who died did not get the family pension?

While introducing the Bill, the hon. Minister was telling that many things were wanting in the family pension scheme. Hence, it is one of the reasons for bringing forward this scheme. But why do you not revise that family pension scheme simultaneously? You could do that. But they have not done it.

The Government wants the people to believe that workers of the unorganised sector will be benefited most by the scheme. Is it not a myth? Is it a fact that the workers, whom we call unorganised in the traditional form, are not covered by the Employees Provident Fund Scheme? So, how will they come under the purview of this pension scheme? They cannot do so.

So far as the workers in the tiny sector - casual and contract labour, etc., are concerned, what would happen in their case? They will not be benefited. Why is it so? The annual rate of growth in their case will be between five and six per cent. The actuary of this scheme, who deposed before the Select Committee in Rajya Sabha agreed that the scheme is based on the assumption that the rate of annual wage growth would not be less than 10 per cent. That is the national average wage growth. But will *bidi* workers, contract, construction workers or those who are working on a casual basis or are getting consolidated pay, by benefited? No, they will not be benefited. That is the assumption of the actuary of this scheme, who deposed before the Select Committee formed in the Rajya Sabha last weak.

It is very unfortunate that a calculated and sustained campaign has been launched against the organised working class of this country, particularly against those wage earners whose salary exceeds Rs.5,000 per month.

Sir, will they be treated as the creamy layer? Will they be treated as the affluent section within the working class? Even semi-skilled workers in a factory, an Upper Division Clerk in a Government Department today, in the background of inflation, used to get more than Rs.5000 per month. But if your salary is more than Rs.5000, then, the portion above Rs.5000 will not be calculated for pension. So, it is really unfortunate. Can you deny that the organised working class is the backbone of the working class of our country? You cannot deny this. They are the backbone of the working class of this country. But what is happening? Is it their fault, is it their crime that through their struggle they have achieved some wage improvement? Is it their crime? And will they have to be penalised for that? What is the infrastructure of the employees provident fund? Is it capable of running the whole thing?

Sir, another point is when a Government employee retires, if he is eligible for pension, he will get his pension immediately. But according to this scheme, if an employee retires at the age of 40, thanks to the present industrial policy of the Government due to the golden handshake or some other things, than he will have to wait for 18 more years to get his pension. He will get his pension at the age of 58 at the age of superannuation. He will have to wait for 18 long years, if he retires at the age of 40, to get pension at the age

of 58. This is in the scheme. Mr. Finance Minister, that is within the scheme.

THE MINISTER OF FINANCE AND MINISTER OF COMPANY AFFAIRS (SHRI P. CHIDAMBARAM) : Why should he retire at 40? (t is not based on real life.

SHRI AJOY MUKHOPADHYAY : Thousands and thousands of workers are retiring at the age of 40. You may say so, but the reality is otherwise. What will happen to the bidi workers, to the so-called unorganised sector, the construction workers? They will be lost in the crowed. Their service period is not more than 20-25 years and they will have to wait upto 58 years of age for getting pension. Is it atrocious? You think that this is a beneficial scheme. It has already been stated in paragraph 26 of the scheme that pension fund would be invested to the public accounts of the Government of India, the rate of interest being only 8.5 per cent. How can it match the benefit of provident fund where 12 per cent rate of interest is available? What will you do with this money? Government will spend that money for other purposes. It is workers' hard-earned money and that will be diverted for other purposes.

Sir, is it permissible?

MR. CHAIRMAN : Please conclude now.

SHRI AJOY MUKHOPADHYAY : Sir, I would take just two to three minutes more.

Another aspect which I would like to point out is that, besides all this, a portion would be deducted towards administrative charges, which may be three per cent. So, it would not remain even at 8.5 per cent. It would further come down.

Sir, I am very much pained at the fact that most the Central Trade Union Organisations are accepting this scheme. Some hon. members have also mentioned that this is an outstanding Bill. If that is so, if it is so fine, so good then simultaneously, why are the Members expressing apprehensions and asking for giving individual options to the workers? Why are they apprehensive? There is no need for them to be apprehensive about it. If it is so good, so fine and so beneficial to the interest of the workers, the workers would automatically opt for this scheme. You cannot rob the money of workers in this way. You cannot snatch away half of their money in the provident fund without giving any option, without taking any consent from them.

MR. CHAIRMAN : Please conclude now.

SHRI AJOY MUKHOPADHYAY : Sir, I would like to urge upon all the Members of this House, cutting across all party lines, and I would also appeal to your goodself to please ponder over these things once again. Do not play with the working class of this country but for whose untiring labour and sacrifice, the growth and development of this country could not have been possible. Do not play with them.

So, I would like to request you and would also like to appeal to you to kindly ponder over the whole thing once again. I would like to pinpoint this aspect that a provision for individual option in the Scheme should be made.

MR. CHAIRMAN : Please conclude now. You have already taken 15 minutes.

SHRI AJOY MUKHOPADHYAY : Sir, it would be counter-productive for everybody - the Government as well as the trade unions.

with these words, I conclude.

[Translation]

SHRI RAM NAIK (Mumbai North) : Mr. Chairman, Sir, I rise to oppose the Employees Provident Funds and Miscellaneous Provisions (amendment) Bill. It has been applauded as a brilliant piece of legislation which was long awaited. In 1990, a tripartite conference was held to prepare the draft of the Bill. Only after a answers was judged on the draft of the Bill that the then Government took three years to bring this Bill. This important piece of legislation which was intended to offer justice to the workers remained pending in the Rajya Sabha for 3 years! the emerging scenario is that what is being preferred here is not practiced. If the Bill was so good how is it that it remained pending for 3 years? The main reason for the delay was that the workers were not supporting it. But I will dwell on extent of opposition later on. If a proof is needed about the about the non seriousness of the Government, it can be ganged from the fact that four consecutive ordinances had to the promulgated on the subject...*(Interruptions)*

[English]

SHRI P. CHIDAMBARAM : You know the reason. There was a change of Government.

SHRI RAM NAIK : That was only in 1996. What happened in the previous years?

SHRI RAMESH CHENNITHALA (Kottayam) : You objected to it in every session what to do?

SHRI RAM NAIK : Even now I will object to it.

[Translation]

MR. CHAIRMAN : Ram Naikji, please address the chair.

SHRI RAM NAIK : It is the hon. Minister who is addressing me directly and providing me...*(Interruptions)*

MR. CHAIRMAN : The hon. Minister will cover the ground in his reply. You please address the chair.

SHRI RAM NAIK : The moot point is the that very promulgation of ordinances is a freedom the constitution. There has been delay in bringing the Bill and all *alibis* such as elections etc. are lame excuses.

This Bill has been opposed very strongly by all the workers of the organised sector in every part of he country. At all India level, of course, only CITV has opposed it but other organisation have expressed their reservation about it. The hon. Minister made a casual remark that the strike was a failure. Who claims that the strike was a failure? It was successful in Mumbai. It succeeded wherever the workers were conscious of their rights.

Sir, we received the people's mandate during the elections on the basis of our manifesto and one of the important issue was opposition to this hastily drafted Bill the congress lost all the six Lok Sabha seats in my city because we opposed this Bill lock, stoke and barrel. It is, therefore, not tree to say that the Bill has the approval of all the sections of society. Every hon. Member of the House has opposed this Bill in his speeches...*(Interruptions)* The objection of the Bill one not in the interest of the workers. Instead of protecting their interests, what is sought to be done is to role them of their contribution to the provident fund made over several years. Normally, a worker earning a salary of Rs.5000 or Rs.5,500,

[English]

gets about Rs. 8 lakhs to Rs.10 lakhs at the time of his retirement.

[Translation]

Now he will not get this amount. It is a big blow to the interest of the workers and because of that I oppose it. Another important point is that if the Bill is so good, why is it being made compulsory and not optional? If you made the scheme compulsary, it would cause widespread resentment among the workers which you will find difficult to control. for you the right course is to make it voluntary and enlighten the workers about its benefits otherwise it will be construed

[English]

That there is some ulterior motive.

[Translation]

You must tell made by them towards the provident fund. In any social welfare scheme, you cannot curtail the rights of the poor or the workers. Any public welfare scheme is bound to be a beneficial scheme but your scheme is not a beneficial scheme which forces me to oppose it.

It is necessary to link pension with the price index and to effect increase in pension in proportion to increase in the price index. My second point is about the rate of interest. If am employee takes house building advance, he is made to pay an interest of 15 percent but he gets an interest of 12.5 percent on his deposits in the Government which tantamounts to injustice. You must pay interest to the workers on their deposits equivalent to the lending rates of the banks.

It has been pointed out here that the workers do not know how to invest a large amount of Rs. 12 lakhs which may be paid to them after retirement. How is it that the same consideration is not shown when a workers seeks voluntary retirement and receives Rs. 5 to 6 lakhs? It shows practice of double standaid. It is an erroneous notion that the workers or the wage earners do not know how to invest the money. On the contrary, unlike our banks, it is the workers who know how to put their hard earned savings in safe investment.

Another aspect to which I want to raise objection is the imposition of ceiling of Rs.5000 to Rs.6000. It is quite unrealistic because it is not possible for a couple with two children to make both ends meet in their small amount in the big cities. Therefore, this imposition of a ceiling of Rs.5-6 thousand is a mockery with the workers who have put in 20-25 years service.

I can understand the predicament of my CPM friends who once opposed it very strongly. But now they are part of the Government and have to support willy nilly what they once called atrocious. But we have to look after the interest of the workers.

[English]

SHRI P.C. CHACKO (Mukund Puram) : That is a very important point...*(Interruptions)*

SHRI RAM NAIK : He said that it is an atrocious scheme...*(Interruptions)*

[Translation]

How can they support a scheme which was once termed as atrocious by them. In view thereof, I would again urge you to review the entire scheme. This ordinance has been brought as a *fait accompli*. a committee of the Parliament should be constituted to review the entire scheme.

MR. CHAIRMAN : Please conclude.

SHRI RAM NAIK : It is not true that we are supporting the Bill; we are supporting it to the extent of fulfilling our constitutional obligation. But the workers would get justice only if a joint parliamentary committee of the House is constituted.

SHRI P.R. DASMUNSI : Mr. Chairman, Sir, at the outset, I would like to first thank the former Minister of Labour, who is now the hon. Speaker of the House for his laborious work, the patience to hear from Kashmir to Kanyakumari all sections of the working class leaders, before he comes out with this comprehensive legislation. Just for this amendment only, which still needs today, a very careful scrutiny.

But, I am indeed very sorry and hurt when my dear colleagues from the other side of the United Front having

said that a foster child has been imposed on them and that we are carrying the legacies of the past. We are not here to compel the United Front Government to carry the legacy. They are at liberty to change their views, to prune their views. Our leader from this very seat made it clear on the first day of entering into this alliance that it is unconditional and they are at their liberty. We never told them. You are very much within the umbrella. You know what is happening - whether the child is a foster or illegitimate or legitimate, whatever it is. So, on the one hand you are there, you know better. In spite of that if you go on saying like this, I do not know. But the reality is this. Whatever you do within the periphery of the Indian constitution to run the Government, legacies are there, some are good, some are bad. If something is bad, let us collectively share; if something is good, let us collectively celebrate. That is what is the reality or the order of the day. Otherwise, you will only be giving a change to them. I know that BMS and CITU will never be together, ideologically and politically. Now the careful scrutiny that is required today in the Bill is that there are many areas where I think sufficient time was not devoted by eminent leaders who had been - in spite of their best efforts - the Minister of Labour, to the Committee, to the Seminar, to the Workshop, in regard to the basic interests of the working class. I fully share the views expressed by many of the hon. Members, specially in regard to the concept of pension. The very concept of pension whether it is accepted by the workers in terms of their future protection are not be understood.

I represent a very import industrial constituency and this matter was very seriously debated during the elections also. To whichever industrial belt I went, I must honestly tell you, whether it is right or wrong, majority of the industrial workers did not like that (a) Rs.5,000 ceiling should be there and that (b) Twelve per cent interest which they can get in any bank, even that should not be there and why should their contributions be kept in that manner and that too uncared-for. They are not still very clear...*(Interruptions)*

SHRI P.C. CHACKO : Sixteen per cent ...*(Interruptions)*

SHRI P.R. DASMUNSI : No. They have not mentioned that. What are you talking?

SHRI P.C. CHACKO : In banks, you are getting more.

SHRI P.R. DASMUNSI : In banks also we can get more. But here, the workers' question was that the question you faced in the elections. That I am telling in the House.

We are not getting the interest which we are able to get in the banks. What is the answer of the government to this point in this Bill? You have to take the working class together. I think that is one of the common minimum programmes of the Government. You should take the working class, the peasants and the poorer sections of the people into confidence. This is what the Prime Minister has always been insisting upon. That is why I am appealing to the Labour Minister to consider this aspect and make some improvement in this Bill.

Now, I will come to defaults. It is not a political accusation. Everybody knows how the Provident Fund Departments are managed. Lakhs of workers all over the country are on the roads because they were not able to get their Provident Fund shares. I do not have to list them. I am sorry to say this here. I am sure I am not wrong because I have read this in the newspapers also. I hope in the Next Session I will be able to get the questions answered by the Minister. I think, West Bengal is topping the list of the Provident Fund defaulters. It is very unfortunate. Not only this, the defaulters are moving freely in the streets day in and day out without being prosecuted. I do not know who are protecting them. The workers have committed suicide. Demonstrations have taken place. *Bandhs* after *bandhs* in the city have taken place and still no prosecution has taken place. They are still at large.

What is the law of land today? What has happened to the different provisions of the Employees Provident Fund? There are flagrant violations of all the provisions and in spite of that, Even the Provident Fund Commissioners are silent. They do not acknowledge the complaints received from the workers. They do not even acknowledge the complaints submitted by the trade union leaders. This how the mechanism is operating. Now, you are taking about pension. You are separating another part of the amount of the working class where there will get the pension after certain age. You are talking of giving pension after 58 years. I think Shri Ajoy Mukherjee is right. Now, V.R.S. is being introduced. You are forcing the workers to go at an earlier age. Many other such methods are being adopted these days. I know what is the aim of this Bill. I do not mind if it is meant only for the organised sector managed by the Government. The entire advantage will be exploited by the big corporate sectors and other managerial sectors. They will use it to the best advantage.

Sir, I personally feel that individual options, of course, are a big cry. Now, in this Bill, there is a provision. The Labour Minister, perhaps, had agreed also that he might consider the organisational options also. What is meant by organisational options? What is an organisation? An organisation means the management and trade union. Is it the recognised trade union or the registered trade union of that organisation? If you recognise five trade unions and out of those five, if three agrees and two do not agree, then what will be the position? If the other five registered trade unions which are not recognised say that they do not agree and create a law and order problem, how will you carry out your concept of organisational options? It is not clarified in this Bill at all at any point of time. I am sure, finally, it will be decided by the local SHO or the police station where the law and order problem is there. So, you will go to the police station and the *thaneder* will come and decide

your case. This is actually happening in the field. We know this because we are handling the trade union matters. So, these matters are not clarified. The individual options are still welcome by labourers for one simple reason. They are still afraid of the Provident Fund affairs. Secondly they are feared about the interest. Thirdly, they are feared about this Rs. 5000 limit. Unless you remove these fears from the minds of the workers and unless you improve upon them, you will not be able to take the working class into confidence. I am not saying that this whole piece of legislation is bad. I do not say that it is a draconian piece of legislation. I am saying that still there is a hope. But the doubts that have been revised by the working class are not just to impute motives against any individual. When the working class speak, they speak the truth. I am not questioning whether the Central trade union leaders have misled the Minister and the Government. My only submission to you is that, please take their views into account and still if you feel that you can improve upon this piece of legislation, please take time, think and strengthen the functioning of the Provident Fund Commissioners, Office.

20.00 hrs.

What is the *modus-operandi* of the trust that you have formed for the pension scheme? That also you have to clarify there, because I have every doubt about their functioning as to how they will manage. You have said something about the annual review also. I would like to know whether the comments on those reviews will be communicated to the central trade unions annually or not.

SHRI M. ARUNACHALAM : Almost from all trade unions there are representations.

SHRI P.R. DASMUNSI : Now, I will submit that though it is not within the scope of the legislation, since I have got an opportunity to speak, I would like to bring to the notice of the hon. Minister. When this Bill was to be discussed today, I got a call from Durgapur that there was a big hue and cry in Durgapur. In this entire industrial area there is no Regional Provident Fund Commissioner's office for quite a long time. They practically rang me up to bring it to notice of the hon. Minister. Durgapur, though being a steel city and having other allied industries also, does not have the Regional Provident Fund Commissioner's Office. They are having a long standing grievance. Though they did not welcome your legislation, that is a different issue, they also urged me to convey this matter to the hon. Minister.

I hope the hon. Minister can improve upon certain things on the basis of the discussion and without entering into any confrontation, we can certainly stand by the entire piece of legislation. We hare no intention to confront at this stage. But I would request the hon. Minister to take care of the mood of the House and not to think that since it has been passed in this language, let it be passed through. Otherwise it will not be really my problem.

As my hon. colleague has spoken about legacy, we know how to defend our legacy, good or bad. But the hon. Minister will be in more trouble because his colour is, at the moment, little shiny like brass and silver.

SHRI P. CHIDAMBARAM : Is it good or bad?

SHRI P.R. DASMUNSI : Shri Chidambaram better knows it because he articulated this in the previous Government and I was not there at that time.

I still think it is a good food with good vegetables and good things but it requires a little bit of salad and other curries to be improved upon. Unless it is improved upon it will not be properly digested by the workers.

[Translation]

SHRI MOHAN RAWALE (Mumbai - South Central): Mr. Chairman, Sir, the present Government has adopted the policies of the Congress Government, which is wrong.

MR. CHAIRMAN : Shri Rawale, Please speak on the Bill...*(Interruptions)*

SHRI MOHAN RAWALE : There was a provision for family pension in the present Bill earlier, but now it is sought to scrap this scheme. Lakhs of people in Mumbai have organised demonstrations against this deviation. The earlier Bill was to be forced on Oct. 16,1995 but it lapsed in June 25 and March 27. Lakhs of workers would suffer on account of this Bill and may be some people would benefit from etc. Lakhs of workers are agitating against this measure and even the trade unions are not backing it.

As per the provisions of the Act, the workers would make a contribution of 1.7 per cent which would be treated as the personal income of the workers. At the time of retirement, the workers are wise enough to manage their funds. The workers are not only competent workers but competent in managing their affairs also. The draw from their savings for meeting expenditure on account of marriages or house building.

It is an attempt by the Government to usurp Rs. 9,000 crores belonging to the workers. The previous government is linked with several scams, viz. urea scam, sugar scam, gold scam etc. The present ruling party is also following in the footsteps of the congress party ...*(Interruptions)*

[English]

MR. CHAIRMAN : Mr. Mohan Rawale, you have to address the Chair and not them. You do not have to address there. You have to address here.

[Translation]

SHRI MOHAN RAWALE : Shri Sharad Pawar had opposed the Bill. We will also like to observe whether

Ms. Mamta Banerjee supports Shri Sharad Pawar or Shri Narsimha Rao.

KUMARI MAMTA BANERJEE : Our party follows democratic norms.

SHRI MOHAN RAWALE : We will know about it during the passage of the Bill.

MR. CHAIRMAN : Please speak on the Bill.

SHRI MOHAN RAWALE : The previous government usurped the funds belonging to the workers. Where has the amount of Rs. 9 crores vanished? Who is in possession of Rs.5,000 crores involved in the various scams? Will these amounts be ever recovered?

MR. CHAIRMAN : Please speak on the Bill.

SHRI MOHAN RAWALE : At present I am speaking on the Rs.9,000 crore scam from which several Thousand crores may accrue to the government. Shri Ram Naik had termed it as robbery by the government against the workers. Mr. Mukherjee had observed that the Workers. Mr. Mukherjee had observed that the workers seek retirement at the age of 40. But the fact is that you force them to seek retirement.

There are several textile mills in my constituency. you have constituted B.I.F.R. N.T.C. a government run groups of mills which has become sick. Because of the wrong policies of the Congress, workers are facing retirement in large numbers. The present rulers should not ignore the policies of the crop while rulers.

It is already difficult to effect withdrawal from the provident fund. If you want industrial peace, you must make this scheme optional. After several futile attempts, this Bill was ultimately introduced in 1993, which was opposed by us. I want to know what was wrong with the earlier which was jettisoned? In the previous scheme, the workers had to contribute 1.70 percent with matching contribution by the Government and the employer. Now the Government is depriving the workers of this money.

In spite of my opposition to the Bill, I would like to give a suggestion. After retirement, the workers should be paid gratuity or pension under a separate head and contribution towards pension should be made as hitherto. The next of kin of a worker, who has put in 40 years service, should be entitled to the benefits of the pension scheme.

It has been suggested by Shri Ram and other hon. Members that pension should be linked with the consumer price index in view of the constant increase in the prices. At present the rate of interest on the provident fund is 12 per cent which is proposed to be reduced to 8 1/2 per cent. A worker earning a monthly salary of Rs.1000/- receives Rs.63,000 after retirement whereas the same amount deposited in a bank for 20 years would fetch Rs.7,30,381. In view thereof the government should make the scheme optional. It is not made optional, we would oppose the scheme.

[English]

KUMARI MAMTA BANERJEE (Calcutta South) : Sir, the time of the House was extended up to eight o'clock. It is more than eight o'clock now.

MR. CHAIRMAN : I am sorry; I was not here. Is it the pleasure of the House to sit up to nine o'clock?

SEVERAL HON. MEMBERS : Yes.

MR. CHAIRMAN : The time is extended up to nine o'clock.

SHRI. N.K. PREMACHANDRAN (Quilon) : Respected Chairman, Sir, the merits and demerits of the Bill have already been discussed and almost all the points have been covered. I am on my legs only to mark my Party's protest against this Bill.

I am fully endorsing the views already expressed by hon. Com. Mukhopadhayay.

According to me also, there is nothing new in this Bill. No additional benefit is given to the working class. The only matter to be considered is the diversion from the contributory Provident Fund to the new Pension Scheme. 8.33 per cent of the contribution of the employer has been diverted to the new Pension Scheme. Actually the contribution of the employer is deferred payment of the worker. The contribution by the Employer to the Provident Fund being the deferred payment of the workers, that is being diverted to the Pension Scheme saying and proclaiming that this is a new Bill and this is a new and additional benefit which is being given to the workers. So, my submission is that there is no new or additional benefit except there is a diversion of the Provident Fund to the Pension Scheme. Also, there is also the lower rate of interest which is 8.5 per cent. The interest is less. According to me and according to my Party it is not correct. The main demand of our party is that the pension should be a third retirement benefit other than the Provident Fund and the Gratuity. This should be the third retirement benefit. This shall not be a diversion from the Provident Fund.

On the basis of this, I would like to highlight the anomalies which have already been discussed. The first anomally which I would like to highlight is by citing example. Suppose a worker have joined service and is earning Rs. 1,000 per month as salary. This is only on example. If we take the arithmetical calculation that itself will convince the fact that the Bill is totally detrimental to the interests of the working class.

As I said, let us take the basic salary as Rs. 1,000. After ten years, according to the calculation taking into consideration the 10 per cent as the increase of rate of growth as per increment per year, that will come to Rs.2,593 and after 15 years that will come to Rs.4,177 and after 20 years that will come to Rs.6,727. What will be the P.F. accumulation - which is diverted to the pension fund - after 10 years? After 10 years it will be

Rs.25,606 merely taking the arithmetical calculation and after 15 years it will be Rs. 64,816 and after 20 years the P.F. accumulation will come to Rs. 1,45,935. My submission is that the monthly pension available in the new Pension scheme to a workers, occurring to the basis of this salary, will come to Rs.370 after 10 years and Rs.895 after 15 years and Rs.1,571 after 20 years. This is the pension which will be available as per the new Pension Scheme. My submission is that if the present P.F. scheme is in existence and the worker is being allowed to opt for the C.P.F. scheme, then at the time of retirement after 20 years he will be getting Rs.1,45,935 as a lump sum amount. Supposing he deposits this money in a nationalised bank or Unit Trust of India he will be getting 12 to 13 per cent of interest and by way of interest he is getting Rs.277 per month after 10 years and Rs.702 after 15 years and Rs.1,500 - which is greater than that of the pension which would come - after 20 years. On the basis of the arithmetical calculation itself this is purely detrimental to the interests of the working class. Hence we are opposing this Bill.

The second anomaly that has already been discussed here is that it is not related to the price hike index and not related to the rupee devaluation on the basis of the inflation. That should also be taken into account.

The third anomaly is about the ceiling limit which has already been discussed and which is Rs.5,000. It should be on the basis of the salary. The pension should be on the basis of the salary which is drawn at the time of retirement.

These are the three anomalies which I would like to submit. I would like to submit before this House that an option should be given. The only compromising formula before this House which can be arrived at is to give an option to the workers. If the workers feel that this is detrimental to them why should they be compelled to accept it? If they are feeling that the present Contributory Provident Fund is better than that of the Pension Scheme, let them be allowed to accept it.

So, here I would like to read a paragraph of the *Select Committee report. It reads:*

> "This Committee is of the view that it would not be feasible to permit individual workers to opt out of the scheme as in that case the affluent sections among the workers may opt out and the scheme would be a non-starter.

Sir, who is the affluent section here? There was a strike by CITU and UITUC last year and it got a very good response. That is why, my submission is that the compromising formula which the House could arrive at is by leaving the option to the worker.

Sir, with these words, I endorse the views expressed by other hon. Members.

MR. CHAIRMAN : Shri Satya Pal Jain - not present. Kumari Mamata Banerjee.

KUMARI MAMATA BANERJEE : Sir, I am very grateful to you for giving me this opportunity to speak. I do not want to speak in detail because every point is covered by the hon. Members who have spoken earlier. I am not going to repeat those points.

Sir, I do appreciate that the Government has some problem as this Ordinance has been issued thrice because the Government has to see the agony of the working class also. There is a saying in our country:

[Translation]

The rich accumulate weather and the law protects it, the worker leads a life of misery.

[English]

Sir, I cannot say that everything is bad. Of course, there are some good points also such as the matter regarding social security and the matter relating to disabled persons. They are good points. But I have a strong objection to one point. I do not know why the Government have not discussed that point carefully. I am surprised to see that the two communist parties, namely, the communist Party of India and the Communist Party of India (Marxist) are also divided on this point. If I am not mistaken all the unions have supported it with some reservation. So, it is not consensus. That is why my strong objection is this...

SHRI M. ARUNACHALAM : I have received a letter from all the trade unions, namely AINTUC, HMS, DMS and AITUC. Can I read them?

KUMARI MAMATA BANERJEE : No, Sir. I know that, thank you very much...*(Interruptions)* Sir, I said that there are some unions who are prepared for that. But they have some reservation also. Is it clear now? Do you want any more clarification?...*(Interruptions)*

MR. CHAIRMAN : If the Minister wants to clarify some points, he can do so while replying.

KUMARI MAMATA BANERJEE : Sir, sometimes we have to set aside the party lines. There are certain areas and some common issues which cannot attract only the party but they can touch the heart of the people. I have reservations about only two points. Firstly, no individual can give his rights to the other. It is our individual right, it is our democratic right and it is our constitutional right. So, why should one give up his Fundamental Right to the other? secondly, if you are going to curb the Fundamental Rights of the citizens, then you first amend the Constitution.

Otherwise, what will happen to the right to work, right to education, right to live, right to property and right to vote? You cannot curb the individual rights. It is contradicting the provisions of the Constitution and it is in total violation of the Constitution.

Sir, my background is not concerned with the trade unions. I do not know anything about the trade unions.

I am just a novice and I do not know anything about the trade unions. The Government has brought this Bill, but what I feel is that the Government should have brought in a comprehensive Bill because they have many opportunities. This Bill pending for some time now. But why are you blaming the previous Government when the new Government is bringing this Bill? I request the Government to consider either of the two following options. One is, you have to give the option to every individual. Can you say that all the five brothers in a family, for example, have to stay together? The elder brother can stay in separate place and the middle brother can stay in a separate place. You cannot say that everybody has to stay together or everybody has to put their rights together. You cannot curb the individual rights.

There are so many jute mills in my State, in Maharashtra and in Gujarat. What will be the fate of the construction workers or those workers working in the NTC mills or some other jute mills? Do you know anything about the management of the bidi workers in the unorganised sector? The workers are not getting their provident fund. You can see the defaulters' list relating to the provident fund. My State is number one in this and there is no doubt about it, but you see the names of others in the list. The management is the private sector is not giving the provident fund to the workers. They are not giving the gratuity to the workers. You will be surprised to know that after retirement, many teachers are dying or starving for want of food because they are not getting their pension. That is the reason why, I am saying that there must be an individual option so that the concerned organisation or the unit cannot misuse this power. Sometimes, I have seen that a businessman purchases a unit and after one year — this is the trend in my State — he would sell that unit. They would purchase one unit and sell it after one year. In that case, what will be the fate of the workers? I may tell you that these units, or whatever you may call them, mislead the people or cheat the people and, as a result, the workers are deprived of their rights. That is why, I have a strong reservation against this. I do appreciate the Government, but the important thing is they have to appreciate the problems of the workers also. There is a consensus on this, but across the party lines, everybody is saying that you have to give the individual option and you have to give the interest also. Why will they lose their bank interest? Where is this fund of Rs. 9,000 crore? Everybody wants to know about the future of this programme. That is why, it would be better if the Government brings in a comprehensive Bill with the necessary amendments. I do propose that the Government should bring in a comprehensive Bill and that is also my request to you. If you do not do it, then I am sorry to say, in protest that we are ready to walk out...*(Interruptions)* The individual's right should be protected.

20.29 hrs.

Kumari Mamata Banerjee and some other hon. Members then left the House.

[Translation]

SHRI THAWAR CHAND GEHLOT (Shajapur) : The Bill under consideration is The Employees' Provident Funds and Miscellaneous Provisions (Amendment) Bill. There is nothing in the Bill which can be supported in toto. The existing pension scheme is providing beneficial for workers in most of the sectors.

The aforesaid Bill had been a subject of discussion in this House and the uppear House for the past 3 years but has not been passed so far. It has been opposed tooth and nail by all the trade unions. The hon. Minister just now referred to the letters received by him from the various trade unions. But those letters were not an out right support of the Bills they *inter alia* contained some suggestion also and the Bill *sems* those suggestion would not be in the interest of the workers. This Government will have to bear the brunt of the misdeeds of the Congress Government.

Under the existing scheme, the workers receive a consolidated sum as pension which they invest in housing or small scale industries or in fixed deposits and with the interest on their deposits they are able to make both ends meet. In the pension scheme proposed in the Bill, the eligibility for pension has been linked with the age of 58 years. The short coming in the existing provision is that if a workers wants to seek premature retirement or becomes disabled or handicapped the age of 40-42 years, he will have to wait till the age of 58 in order to become eligible for pension. In such an eventuality the family of the worker would suffer privations. I would suggest that an amendment should be made in the Bill to reduce the eligibility limit to 10-15 years service...*(Interruptions)* it is my maiden speech.

[English]

MR. CHAIRMAN : If it is your maiden speech, I am sorry to interrupt you.

[Translation]

SHRI THAWAR CHAND GEHLOT : In the Bill under consideration, the average emoluments of the last three years would be computed to calculate the pension. It would be detrimental to the interest of the workers. In some of the institutions the average of last three months is computed to calculate the pension. The workers are already groaning under the impact of income tax. Today in India big industrialists evade income tax with impunity but the workers come in no way escape the dragnet of income tax. Besides, the interest on his deposit with the Government is as low as 8 per cent. It

would, therefore, be in the features of things to link the pension with the price index.

Mr. Chairman, Sir, this facility must be made available to the workers who want to seek premature retirement. Besides, the proposed pension is Rs.1400, whereas worker can earn Rs. 2,000 as interest on a term deposit of Rs.1,50,000. The Proposed minimum pension is Rs.500 and the proposed ceiling is Rs. 5,000. My suggestion is that the minimum pension should be Rs.1000 and the ceiling on the pension should be removed. If these suggestions are accepted, they would ameliorate the lot of the workers to a considerable extent.

Mr. Chairman, Sir, I want to raise several points but because of paucity of time I am not raising them. I would request the Government to consider the points raised by me and other hon. Members and work out some scheme for the welfare of the workers because they are being exploited.

Sir, today workers spends Rs.50 only per day on his family, but a industrialist earns a whopping profit of Rs.25 crores per day the gap between the poor and the rich is widening day by day. This gap should be reduced and for this purpose a part of the profit of the will owner should be deposited in the workers' welfare funds.

With these words, I conclude my speech.

[English]

THE MINISTER OF LABOUR (SHRI M. ARUNACHALAM) : Sir, I am very grateful to the hon. Members who have participated and given valuable suggestions. I would like to answer some of the issues raised by the hon. Members.

A lot of Members have an apprehension as to who will administer the fund, especially my dear friend Shri Girdhari Lal Bhargava has raised it. I would like to tell him that there is already a Central Board of Trustees for Employees Provident Fund, who will administer the pension fund. The representatives of the Government, employers and employees are the members of the Central Trust. Therefore, that apprehension need not be there in the minds of the Members.

Justice Lodha has raised a point as to why it has not been brought to the House before. I would like to tell him that immediately after the introduction of the scheme with effect from 16th November, 1995, notices for consideration, passing of the amendement Bill were sent in each session of Parliament held after the 16th November, 1995. However, for one or the other reasons, the Bill could not be taken up for consideration. This necessitated the promulgation of Ordinance on three occasions so as to ensure the continuity of the scheme. In the event of the Ordinance not being replaced by the regular law immediately, here will be a total vacuum inasmuch as there will neither be a Family Pension Scheme nor will there be an Employees Pension Scheme, 1995. Then it would be difficult to make payment of pensionary benefits to about 1.5 lakh families which were getting pension under the ceased employees' Family Pension Scheme. Similarly, it will not be possible to make payment of any pensionary benefit to our 70,000 pensioners, dependents who have started getting pension under the Employees' Pension Scheme of 1995.

The Standing Committee on Labour and Welfare examined the contents of the amendment Bills also the provisions of the scheme. A copy of the Report of the Standing Committee was laid on the Table of this House on 6th March. A Salect Committee of Rajya Sabha also examined the provisions of the Amendement Bill as also pension scheme and has cleared the scheme. Rajya Sabha was kind enough to pass the Amendment Bill on 31st March 1996.

Sir, some Members have raised that this scheme has not been formulated in consultation with the trade unions. I would read the letter...

AN HON. MEMBER : Do not read it.

SHRI M. ARUNACHALAM : Not all. I will read only the operative part.

> "...The objective of formally restating the well-considered decision of the four major national trade union organisations of the country to urge upon you and the Government to ensure that the legislation on the Employees Provident Fund Link Pension Scheme for the workers is adopted in the current Parliament's session."

Sir, I am coming to the operative portion. Overwhelming number of workers want the pension legislation to go through, subject to our rights to continue to press and agitate in favour of the incorporation herein a number of important amendments, that is, indexation, substantial increase in pensionary benefits by enhancing the rate of interest on the deposits, removal of ceilings to benefit the employees in the higher rate of bracket.

Sir, it might be stated that it has become necessary for us to caution the Government against stalling and scuttling the scheme which is being attempted by multinational companies who want to grasp pension funds themselves. The Government will see through these anti-working people game and will in no case, allow the current Ordinance on pension to lapse as that will bring calamities for lakhs of poor workers.

It may be emphasized against that pension legislation in the scheme has already been thoroughly scrutinised by both the Parliamentary Committee attached to the Labour Ministry as well as by the Indian Labour Conference 1995. The INTUC - Shri R.A. Mittal, Secretary - AITUC and BMS, are all signatories.

Coming to the point raised by my colleagues about the individual option. I would like to submit that it is not possible to allow individual option because ...*(Interruptions)* Please listen to me.

MR. CHAIRMAN : Do not interrupt, please. Let him reply. After that if you have any clarification I will allow. But do not interrupt now.

SHRI M. ARUNACHALAM : Number one, the scheme is compulsory for all the employees who are members of the Family Pension Scheme 1971. The benefits which were available to them under the ceased Employees Family Pension Scheme are being carried over to the new scheme. It is, therefore, necessary to keep them covered under the new scheme as well.

Number two, for the pension scheme to be sustainable, it is necessary that there is definiteness about the contribution to the pension funds. Actually calculations will just not be feasible if individual options are given, because in that even there would be no such definiteness.

Number three, the pension scheme already provides for grant of exemption to the establishments which they have their own comparable or superior pension scheme.

Some Members have raised about third benefit...

SHRI AJOY MUKHOPADHAYAY : Mr. Minister, if it is possible in banking and insurance sector, why is it not possible here? You please explain this. Both these schemes are there, running side by side, contributory provident fund pension, and there was the scope for option. Why is it not possible there?

If it is possible in the banking sector and insurance sector and there the employees can exercise that option, then why is it not possible here? You please explain.

Some of the Members have raised a point about granting of third benefit. I would like to submit that it would be very difficult to grant pension as a third benefit in view of the fact firstly that the pension and provident funds are mutually exclusive; secondly neither the employees nor the employers will agree for any extra contribution of the purpose, the Government is already contributing at the rate of 1.16 per cent of the wages and it is not possible for the Government to make any additional contribution; and thirdly the grant of pension as a third benefit to the workers through this scheme will have serious repercussions in so far as the Central Government employees are concerned.

Some of the hon. Members have raised a point about linking the pensionary benefits with the Consumer Price Index. Again, I respectfully submit to the House that it is not possible to link the pensionary benefit to the consumer Price Index because firstly the pension scheme is a contributory scheme and in such contributory schemes any open ended indexation is not possible. Increase in pension from time to time would be possible only if the fund position is so permissive. Secondly the scheme as initially notified had a provision for evaluation of the pension fund at the interval of three years. On the demand of the central trade union organisations the Government have already decided to have the evaluation of the pension fund and review of all the pensionary benefits on annual basis. If the fund position so permits, the employees are expected to get some increase in pension every year.

SHRI NIRMAL KANTI CHATTERJEE (Dumdum) : I want to seek a clarification.

MR. CHAIRMAN : Let him complete his reply and then you can seek your clarification.

SHRI M. ARUNACHALAM : Hon. Member Shri Panigrahi has raised a point about ceiling. The wage limit at present is Rs.5,000. The Central Board of Trustees has already recommended enhancement of this ceiling limit. This is under active consideration of the Government. A decision will be expected very shortly to be taken by the Government.

Some of the Members have raised some apprehension about the interest part and the investment of employees pension fund money from 16.11.95 is being done according to the pattern approved by the Ministry of Finance. The pattern of investment is, 25 per cent have been invested in Central Government securities; 15 per cent with the State Government securities; under Special deposit Scheme 30 per cent; and Public Sector Bonds 30 per cent. The average return is a minimum of 12 to 15 per cent and not as our hon. Members have said, 8.5 per cent.

SHRI SRIBALLAV PANIGRAHI : I also would like to seek a clarification.

MR. CHAIRMAN : You can have your clarification after his reply. Let him complete his reply first.

SHRI M ARUNACHALAM : Yes, we are paying 12 per cent to the subscribers. I am planning to go to my distinguished colleague, the Finance Minister, to see whether there is any possibility of increasing the interest part.

Coming to the points raised by Shri Ram Naik, the social security rests on the principle of collective contribution. The benefits flow to those who are needy. The scale of benefits may not correspond to the scale of contribution. The scale of benefits is not comparable with the rate of return in investments kept in banks.

One of my hon. friends has raised the issue of how much would be the pension amount that the beneficiary would get. Under the old Scheme, a maximum monthly family pension on a pay of Rs.5,000 was Rs.1050 per month; and under the new scheme, on a pay of Rs. 5,000 the monthly pension would be up to Rs.1750 plus Rs. 875 per month for two children...*(Interruptions)*

SHRI AJOY MUKHOPADHAYAY : You have not answered my question. If option is applicable to the

employees in the insurance and banking sector, why do you not allow the individual members?

SHRI M. ARUNACHALAM : We are reviewing the Scheme on a yearly basis...*(Interruptions)* I would like to answer that. The banks and insurance companies have guaranteed the benefit if the Fund becomes insolvent. We cannot afford to do that. We have to go by the normal contribution method. We are having a review provision. We will be reviewing it year by year.

SHRI AJOY MUKHOPADHYAY : It does not make it clear why option should not be given.

SHRI M. ARUNACHALAM : I request the hon. Members to withdraw their amendments and pass the Bill.

SHRI RAM NAIK : The hon. Minister said that the higher ceiling of Rs.5,000 is being reconsidered for removal or for being increased. If it is going to be increased, could you just indicate the amount? What is being proposed to be done?

SHRI M. ARUNACHALAM : If you have any suggestion, we will try to carry that.

SHRI RAM NAIK : He has said that it is being considered. What is the amount that is being considered?

SHRI M. ARUNACHALAM : There are many recommendations. Many hon. Members have made many suggestions. We have to sit down and decide.

[Translation]

SHRI MOHAN RAWALE : The third benefit being cooled out by the hon. Minister is the right of the workers. They are acting against the interest of the workers. The workers must be offered the third option. The people of India want that option should be given to the workers to opt out of the proposed pension scheme.

[English]

MR. CHAIRMAN : Hon. Minister, do you want to say anything.

[Translation]

SHRI MOHAN RAWALE : We will not let the Bill be passed unless the worker is not granted the right of option. This Government is acting against the interest of the workers. They want to misappropriate the money belonging to the workers...*(Interruptions)*

[English]

MR. CHAIRMAN : Sit down now.

(Interruptions)

MR. CHAIRMAN : He has already said whatever he wanted to say. Please sit down.

SHRI NIRMAL KANTI CHATTERJEE : The argument advanced for the third option was that these two are exclusive items. Precisely, as they are exclusive, third option has been sought. I do not understand how that argument goes in his favour.

My next point is this. What is the objection to provising for an option? I have not understood what really is the objection against indexation either. If today, there is a high rate of interest and therefore he is able to say that the rate of return would be 12.5 per cent or 13 per cent, if it is such an optimistic picture, why does he not stubbornly - three or four months are already over even though he is unable to make a review - say, 'Yes, this can be increased'?

This review provision is very dangerous. That opens the avenue to reduce the quantum of pension also. At some stage they may say that the high interest regime has come down to six per cent or seven per cent and, therefore, the pension cannot be paid at that old level. This is a very dangerous situation.

Therefore, we have reduced our amendment to only one question, *i.e.* give the option. Let the worker decide which one is more beneficial to him...*(Interruptions)*

MR. CHAIRMAN : Do you want any clarification?

(Interruptions)

SHRI NIRMAL KANTI CHATTERJEE : Yes, I want a clarification as to why the option cannot be given ...*(Interruptions)*

SHRI M. ARUNACHALAM : Sir, I am moving this Bill with total openness and assure this House that there will be continuous evaluation of pension fund and if the fund position so permits, the Government would try to make the pensionary benefits more liberal in the overall interests of the working class...*(Interruptions)*

SHRI NIRMAL KANTI CHATTERJEE : What difficulty does the Minister have in giving the option ...*(Interruptions)*

MR. CHAIRMAN : He has already replied.

(Interruptions)

SHRI BASU DEB ACHARIA : Sir, let him reply ...*(Interruptions)*

MR. CHAIRMAN : Shri Basu Deb Acharia, he has already replied. He has said that. What else do you want?

(Interruptions)

MR. CHAIRMAN : He has already replied. Have you not heard him? Do you want him to repeat it?

(Interruptions)

SEVERAL HON. MEMBERS : Yes...*(Interruptions)*

MR. CHAIRMAN : He has already replied to that.

(Interruptions)

SHRI BASU DEB ACHARIA : He has only said that periodical review would take place...*(Interruptions)*

MR. CHAIRMAN : He said that liberal and periodical review will be taken. That is all he wants to say.

(Interruptions)

MR. CHAIRMAN : Mr. Minister, do you want to repeat it?

(Interruptions)

SHRI M. ARUNACHALAM : Sir, I can repeat the reasons why I cannot consider it. The first reason is that the Scheme is compulsory for all the employees who are members of Employees' Family Pension Scheme '71. The benefits which were available to them under the ceased Employees Family Pension Scheme are being carried over to the new Scheme...*(Interruptions)*

SHRI NIRMAL KANTI CHATTERJEE : If there was a mistake earlier, now you have got an opportunity to correct it...*(Interruptions)*

MR. CHAIRMAN : He has already given the reply. Now, I ask the mover of the Statutory Resolution to speak.

(Interruptions)

SHRI M. ARUNACHALAM : There will be continuous dialogues with the Unions...*(Interruptions)*

SHRI BASU DEB ACHARIA : Sir, there is a consensus in regard to allowing of option ...*(Interruptions)*

MR. CHAIRMAN : No, I cannot allow you.

(Interruptions)

[Translation]

SHRI GIRDHARI LAL BHARGAVA (Jaipur) : Mr. Chairman, Sir, the hon. Minister has failed to satisfy any Member. I had suggested at the outset that a trust should be constituted to manage the funds of the workers and representatives from all the trade unions should be included in the Trust. But no provision to that effect has been made in the Bill.

My second charge is that in the Rajya Sabha you had given an assurance that suggestion regarding payment of pension to the workers who have completed 10 years service would be conceded. But in the Lok Sabha no such assurance has been given.

21.00 hrs.

My Third charge is that there are three types of pension schemes. It has been pleaded in general that 1,60,000 workers would benefit by the scheme. You have failed to account for Rs.9,000 crores and on top of it half of the provident fund of of the workers would be deposited in Government account. The Government in trying to be good samaritan by appropriating the workers money and spending the same for payment of pension. All the trade unions viz C.I.T.U. etc. have opposed it. Even the trade unions of the parties who constitute the ruling front have opposed it...*(Interruptions)*

SHRI MOHAN RAWALE : This is an anti worker Bill ...*(Interruptions)*

SHRI GIRDHARI LAL BHARGAVA : Now you have been elected as an M.P....*(Interruptions)* Now I would like to say publicly that all the trade unions have opposed it.

[English]

MR. CHAIRMAN : Is it the pleasure of the House to extend the time further by half-an-hour?

SEVERAL HON. MEMBER : Yes.

MR. CHAIRMAN : The time is extended by half-an-hour.

[Translation]

SHRI GIRDHARI LAL BHARGAVA : The scheme is not optional. It should not be compulsory. It is a good scheme, the workers would opt for it with pleasure and if the scheme does not appeal to them they would opt out of it.

The rate of interest being paid to workers on their deposits in 8 per cent whereas banks, LIC and other institutions pay 12 to 18 per cent interest. The rate of interest should therefore be increased to keep pace with the interest being paid by other institutions. Besides, pension should be linked with the consumer price index, ceiling of Rs.5000 should be abolished. It should also be ensured that the employer deposits his share of the provident fund with the Government on time. I would also request the hon. Minister to consult the representatives of all trade unions before passing the Bill in haste...*(Interruptions)* You may have your say. I will speak later on.

MR. CHAIRMAN : Are you yielding?

SHRI GIRDHARI LAL BHARGAVA : Please allow me to complete my submission but please control him in the first instance...*(Interruptions)* He is new to the institutions and is not aware of the norms of behaviour. I would repeat that you consult the representatives of all the trade unions, all the political parties and a committee of the House should be constituted.

MR. CHAIRMAN : Are you withdrawing?

SHRI GHIRDHARI LAL BHARGAVA : I am giving a constructive suggestion. This Bill should not be passed in haste. All the political leaders and the trade union leaders should be committed before passing the Bill which has been brought all the good intention but it has several short comings. It should be referred to a joint parliamentary committee and passed only their report is submitted.

MR. CHAIRMAN : Are you withdrawing your Resolution?

SHRI GIRDHARI LAL BHARGAVA : I am not withdrawing the Resolution...*(Interruptions)* Shrimati Mamata Banerjee has already walked out and the

communists are shedding their ideology...*(Interruptions)* Today, I want to see them in their true colour ...*(Interruptions)*

[English]

MR. CHAIRMAN : The question is :

"That this House disapproves of the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Third Ordinance, 1996, (No. 24 of 1996) promulgated by the President on 20 June, 1996."

The motion was negatived.

MR. CHAIRMAN : Now I shall put the motion for consideration to the vote of the House.

(Interruptions)

21.06 hrs.

(At this stage, Shri Mohan Rawale came and stood on the floor near the Table.)

(Interruptions)

MR. CHAIRMAN : The question is :

"That the Bill further to amend the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN : The House will now take up clause-by-clause consideration of the Bill.

(Interruptions)

MR. CHAIRMAN : You go to your seat.

(Interruptions)

MR. CHAIRMAN : I have asked you to go to your seat. Please go to your seat.

(Interruptions)

MR. CHAIRMAN : You can show your protest from your seat itself.

(Interruptions)

MR. CHAIRMAN : This is not the way. I have given ample opportunities to express your views. Please go to your place.

(Interruptions)

MR. CHAIRMAN : Do not compel me to name you. Please go to your seat.

(Interruptions)

MR. CHAIRMAN : You go to your place. This is not the way.

(Interruptions)

MR. CHAIRMAN : How can I control if you also start shouting from this side? Mr. Rawale, I am telling you to go to your seat.

(Interruptions)

21.08 hrs.

(At this stage, Shri Mohan Rawale went back to his seat.)

[Translation]

MR. CHAIRMAN : The Bill has been under consideration for a considerable length of period. What has happened now?

SHRI MOHAN RAWALE : I am opposing the Bill.

[English]

MR. CHAIRMAN : I am on my legs. Please be seated.

(Interruptions)

[Translation]

MR. CHAIRMAN : If you like, you may walk out in protest.

SHRI MOHAN RAWALE : I am protesting while remaining in the House. This Government came to power as a pro-worker Government. But is a acting against the interest of the workers.

[English]

MR. CHAIRMAN : This is the last day; we have to pass this Bill. Mr. Acharia, why don't you sit down?

(Interruptions)

[Translation]

SHRI MOHAN RAWALE : This Government is following the policies of the Congress party ...*(Interruptions)*

[English]

MR. CHAIRMAN : I am on my legs.

21.09 hrs.

(Mr. Speaker *in the Chair.*)

(Interruptions)

MR. SPEAKER : Please sit down.

(Interruptions)

MR. SPEAKER : You please sit down now.

[Translation]

SHRI MOHAN RAWALE : There very people had said it...*(Interruptions)* Shri Inderji Gupta had said it... All of them had cast aspersions against the congress.

[English]

MR. SPEAKER : What is this going on?

Switch off the television cameras. There would be no television coverage from now on for today.

If you have any objection, if you do not agree, you ask for a Division.

(Interruptions)

MR. SPEAKER : You please sit down. You cannot stand up now. Otherwise I would be compelled to name you. This is my last warning. You cannot hold the House to ransom.

(Interruptions)

MR. SPEAKER : Now, I will have to nameyou.

[Translation]

SHRI MOHAN RAWALE : You may expel me. I hold you in high respect. This is an anti labour Bill and because of that I am opposing it....*(Interruptions)*

[English]

MR. SPEAKER : Now, I name you. This is not the way.

(Interruptions)

MR. SPEAKER : I will go through the records and expunge everything. Now, we would take up clause by clause consideration of the Bill.

Clauses 2 to 4

MR. SPEAKER : The question is :

"That clauses 2 to 4 stand part of the Bill."

The Motion was adopted.

Clauses 2 to 4 were added to the Bill.

Clause 5

Substitution of a new section for section 6A and 6B Employees Pension Scheme.

SHRI BASU DEB ACHARIA : Sir, we want to move our amendments separately. We want that these amendments should be moved separately.

MR. SPEAKER : Clause 5, amendment no. 1. Shri Ajay Mukhopadhyay, are you moving your amendment?

SHRI AJOY MUKHOPADHYAY : Sir, I beg to move:

Page 2, Line 10,-

after "Pension Scheme" *insert-*

"which shall be optional for all workers who are or will be members of the Employees' Provident Fund" (1)

MR. SPEAKER : Clause 5, amendment no. 2. Shri Badal Choudhury.

Clause 5, amendment no. 3. Shri Basudeb Acharia.

SHRI BASU DEB ACHARIA ; Sir, I beg to move :

Page 2,-

for lines 21 to 24 *substitute-*

"(a) such sums as may be prescribed of the equal contribution of employee and the employers excluding the provident fund contributions, as may be specified in the pension scheme." (3)

MR. SPEAKER : I shall now put all the amendments to the vote of the House.

SHRI AJOY MUKHOPADHYAY : Sir, we want Division on Amendment No. 1.

MR. SPEAKER : Okay, Let the lobbies be cleared-

Now, the lobbies have been cleared.

I will now put amendment No. 1, moved by Shri Ajoy Mukhopadhyay, to the vote of the House.

The question is :

Page 2, line 10,-

after "Pension Scheme" *insert-*

"which shall be optional for all workers who are or will be members of the Employees' Provident Fund" (1)

I have to inform the hon. Members that as the Division Numbers have not so far been allotted to Members, it is not possible to hold the Division by the Automatic Vote Recording Machine. Division will now take place under Rule 367AA by distribution of slips.

Let the slips be distributed.

The question is :

Page 2, line 10/-

after "Pension Scheme" *insert-*

"which shall be optional for all workers who are or will be members of the Employees' Provident Fund" (1)

The Lok Sabha divided :

21.16 hrs.

Division No. 2.

AYES

Acharia, Shri Basu Deb
Bala, Dr. Asim
Barman, Shri Uddhab
Bauri, Smt. Sandhya
Baxla, Shri Joachim
Bhargava, Shri Girdhari Lal
Bharathan, Shri O
Chatterjee, Shri Nirmal Kanti
Das, Shri Dwaraka Nath
Dome, Dr. Ram Chandra
Gehlot, Shri Thawar Chand
Giri, Shri Sudhir
Govindan, Shri T.
Hossain, Shri Syed Masudal
Khalsa, Shri Basant Singh
Khan, Shri Sunil
Krishnadas, Shri N.N.
Lahiri, Shri Samik
Mohle, Shri Punnu Lal

Mollah, Shri Hannan
Mukherjee, Shri Pramothes
Mukherjee, Shri Subrata
Mukhopadhyay, Shri Ajoy
Murmu, Shri Rup Chand
Naik, Shri Ram
Pal, Shri Rupchand
Premchandran, Shri N.K.
Rawale, Shri Mohan
Ray, Shri Balai Chandra
Riyan, Shri Baju Ban
Rongpi, Dr. Jayanta
Sampath, Shri A.
Verma, Shri R.L.P.

NOES

Anantha, Shri Venkatarami Reddy
Arunachalam, Shri M.
Baalu, Shri T.R.
Bhagwati Devi, Shrimati
Bhardwaj, Shri Parasram
Chacko, Shri P.C.
Chakraborty, Shri Ajay
Chary, Dr. S. Venugopala
Chennithala, Shri Ramesh
Chidambaram, Shri P.
Dar, Shri Mohd. Maqbool
Dev, Shri Sontosh Mohan
Fatmi, Shri Mohammad Ali Ashraaf
Ganesan, Shri V.
Ghatowar, Shri Paban Singh
Handique, Shri Bijoy
Hazarika, Shri Iswar Prasanna
Islam, Shri Qamarul
Jalappa, Shri R.L.
Jena, Shri Srikant
Karvendhan, Shri S.K.
Kandasamy, Shri K.
Kajalgi, Shri Shivanand H.
Mahanta, Shri Keshab
Maharaj, Shri Satpal
Mehta, Prof. Ajit Kumar
Mukherjee, Shrimati Geeta
Narasimhan, Shri C.
Nishad, Capt. Jai Narayan Prasad
Palanimanickam, Shri S.S.
Panigrahi, Shri Sriballav
Paswan, Shri Ram Vilas
Paswan, Shri Sukhdeo
Raghavan, Shri V.V.
Raja, Shri A.
Ramalingam, Dr. K.P.
Ramana, Shri L.
Ramanathan, Shri M.
Ramsagar, Shri
Saikia, Shri Muhi Ram
Saini, Shri Pratap Singh
Sayeed, Shri P.M.
Sarma, Dr. Arun Kumar
Sarma, Dr. Prabin Chandra
Shanmugam, Shri P.
Shanmuga Sundaram, Shri V.P.
Sharma, Dr. Arvind
Singh, Shrimati Kanti
Singh, Shri Raghuvansh Prasad
Singh, Shri Ramashraya Prasad
Singh, Shri Tilak Raj
Singh, Shri Virendra Kumar
Sivaprakasam, Shri D.S.A.
Swamy, Shri C. Narayana
Theertharaman, Shri P.
Tiriya, Kumari Sushila
Topno, Kumari Frida
Udayappan, Shri S.P.
Upendra, Shri P.
Venkateswarlu, Dr. U.
Venugopal, Shri D.
Verma, Shri Beni Prasad
Verma, Shri Chandradev Prasad
Yadav, Shri Anil Kumar
Yadav, Shri Devendra Prasad
Yadav, Shri Dinesh Chandra

SHRI RAM NAIK : Now, Sir, Shri Mohan Rawle has calmed down. So, the T.V. can go on. Ultimately, the people of the country would like to know the result of it. This is my request to you.

MR. SPEAKER : Okay. At your request, cameras can resume now.

SHRI RAM NAIK : Thank you.

MR. SPEAKER : The result of the division is :

Ayes : 33

Noes : 67

The motion was negatived

Amendment Nos.2 and 3 moved by Shri Badal Choudhary and Shri Basudeb Acharia were put to vote and negatived.

Clause 5

MR. SPEAKER : The question is :

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clauses 6 and 7

MR. SPEAKER : The question is :

"That clauses 6 and 7 stand part of the Bill.

The motion was adopted.

Clauses 6 and 7 were added to the Bill.

Clause 8 Substitution of new schedule-III

MR. SPEAKER : In Clause 8, there are amendments by Shri Ajay Mukhopadhyay and Shri Badal Choudhury. Shri Badal Choudhury is not here. Shri Ajay Mukhopadhyay are you moving?

SHRI AJAY MUKHOPADHYAY : I beg to move :

Page 4, line 3, -

after "employers" *insert* "and employees", (4)

Page 4, line 3-

omit "to the Provident Fund" (5)

Page 4, line 14 -

for "Central Government." *substitute* -

"Central Board for Provident Fund Trustees" (6)

MR. SPEAKER : I shall put amendment Nos 4, 5 and 6 moved by Shri Ajoy Mukhopadyay to the vote of the House.

The amendments were put and negatived.

MR. SPEAKER : The question is :

"That clause 8 stand part of the Bill."

The motion was adopted.

Clauses 8 was added to the Bill

Clause 9

MR. SPEAKER : The question is :

"That clause 9 stand part of the Bill."

The motion was adopted.

Clauses 9 was added to the Bill.

MR. SPEAKER : The question is :

"That clause 1 the Enacting Formula, and the Long Title Stand part of the Bill.

The motion was adopted.

Clause 1, the Enacting Formula and the Long Title were added to the Bill.

SHRI M. ARUNACHALAM : I beg to move :

"That the Bill be passed."

MR. SPEAKER : The question is :

"That the Bill be passed.

The motion was adopted

(Interruptions)

21.34 hrs.

At this stage, Shri Nirmal Kanti Chatterjee and some other hon. Members left the House.

21.34 hrs.

[English]

STATUTORY RESOLUTION RE : DISAPPROVAL OF THE CONSTITUTION (SCHEDULED TRIBES) ORDER (AMENDMENT) THIRD ORDINANCE, 1996

AND

CONSTITUTION (SCHEDULED TRIBES) ORDER (AMENDMENT) BILL

MR. SPEAKER : The House will now take up items 24 and 25 together. Shri Lodha not here. Shri Girdhari Lal Bhargava. Are you moving?

[Translation]

SHRI GIRDHARI LAL BHARGAVA (Jaipur) : I move:

"That the House disapproved of the Constitution (Scheduled Tribes) Order (Amendment) Third Ordinance, 1996 (No.30 of 1996) promulgated by the President on 27 June, 1996."

I agree with the suggestion made in the House that the Bill be referred to a select committee. I have risen to oppose the frequent promulgation of ordinances. This Bill seeks to add to the list of Scheduled Tribes certain communities.

Sir, I, therefore, move

"that the Bill be referred to Select Committee.'

[English]

SHRI RAMESH CHENNITHALA (Kottayam) : Sir, we have constituted the Standing Committees. The functions and the duty of the Standing Committee are to scrutinise the Bills. So my request to the hon. Chair is to kindly refer this Bill to the Standing Committee.

MR. SPEAKER : There is a difference between a Standing Committee and a Select Committee. This is a Bill which is important in the sense that there have